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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,347	11/19/2001	Yuichiro Ogawa	109808	8515

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1733

MAIL DATE	DELIVERY MODE
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07/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/988,347	Applicant(s) OGAWA ET AL.	
	Examiner Geoffrey L. Knable	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 12 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1-5-07</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1733

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claim 12 remains withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the replies filed on 4-5-2004 and 12-1-2004.

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The amendment to claim 1, lines 6-7 to define that the rubber strip is "not under tension" represents subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, i.e. it is considered to be new matter. Applicant points to paragraph [0038] of the specification as supporting this requirement. The examiner however can find no explicit or implicit mention in paragraph [0038] (or anywhere else in the original disclosure) of winding the strip "not under tension."

4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Landsness (US 4,279,683) or

Art Unit: 1733

DE 19831747 to Continental alone or (under 35 USC 103(a) only) either of these references taken further in view of Tokunaga et al. (US 5,380,384).

These references are applied for the same reasons as set forth in the last office action. As to the new suggestion for winding the strip "not under tension" (which is considered to lack original descriptive support as noted above), apparently to define over the Landsness teachings, it would seem that the "conventional non-stretch placement as disclosed by fig. 5" (col. 3, lines 52-53 of Landsness) would reasonably read on this, this reference providing adequate evidence that such is also a known way to apply the strip.

5. Applicant's arguments filed 4-16-2007 have been fully considered but they are not persuasive.

The previous 35 USC 112, second paragraph rejection has been withdrawn in view of the amendment to the claim.

With respect to Landsness, applicant's general reassertion of arguments previously presented is noted. However, these prior arguments seem to have mostly pertained to significantly different claim features, most of which are no longer in the claims - these arguments are therefore not persuasive as regards the present claims. The arguments with respect to winding not under tension have been addressed within the statement of rejection. The arguments with respect to Tokunaga are noted but unconvincing, this reference merely providing further evidence of the well known and conventional two stage tire building in which the tire is cylindrically formed and then shaped for application of the belt/tread (as well as desirably also the sidewall).

As to DE '747 to Continental (references herein being to equivalent US patent to Blickwedel), reference is made to col. 3, lines 5-10 that a "thickening because of overlapping does not occur" and that "it is clear from the figures in this application that neighboring turns of the rubber strip are superimposed on each other in order to obtain a predetermined thickness of the tire constitutive member". This argument is not entirely understood. It appears that applicant is arguing that this reference does not teach overlapped windings of the strip - however, and as even acknowledged by applicant, the reference explicitly teaches such overlapping windings at col. 3, lines 18-21. Further, the reference to avoiding "thickening because of overlapping" at col. 3, lines 5-10, is in reference to the thickening that occurs at an overlap joint if a single strip (i.e. full width; one turn) is applied to form the sidewall (col. 2, lines 9-24) - this is one of the reasons the reference suggests strip winding (i.e. narrow width; plural turns). This would not be read as suggesting that the strip cannot be overlapped.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

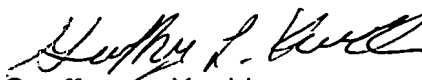
Art Unit: 1733

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
July 8, 2007